

**AGENDA FOR THE
REGULAR COUNCIL MEETING OF
TUESDAY, MAY 3, 2005 AT 10:00 A.M.
CITY ADMINISTRATION BUILDING
COUNCIL CHAMBERS – 12TH FLOOR
202 “C” STREET
SAN DIEGO, CA 92101**

OTHER LEGISLATIVE MEETINGS

The **SAN DIEGO REDEVELOPMENT AGENCY** is scheduled to meet today in the Council Chambers. A separate agenda is published for it, and is available in the Office of the City Clerk. For more information, please contact the Redevelopment Agency Secretary at (619) 533-5432.

ITEM-1: ROLL CALL.

ITEM-10: INVOCATION.

ITEM-20: PLEDGE OF ALLEGIANCE.

=== LEGISLATIVE SCHEDULE ===

Special Orders of Business

ITEM-30: Approval of Council Minutes.

NON-AGENDA PUBLIC COMMENT

This portion of the agenda provides an opportunity for members of the public to address the Council on items of interest within the jurisdiction of the Council. (Comments relating to items on today's docket are to be taken at the time the item is heard.)

Time allotted to each speaker is determined by the Chair, however, comments are limited to no more than three (3) minutes **total per subject** regardless of the number of those wishing to speak. Submit requests to speak to the City Clerk **prior** to the start of the meeting. Pursuant to the Brown Act, no discussion or action, other than a referral, shall be taken by Council on any issue brought forth under "Non-Agenda Public Comment."

CLOSED SESSION NOTICES, DISCLOSURE, AND PUBLIC COMMENT

In accordance with the San Diego City Council Permanent Rule for Noticing and Conduct of Closed Session Meeting, adopted on February 28, 2005, this portion of the agenda is reserved for City Attorney comment, public comment, and City Council discussion of the content of the **Closed Session Agenda for Tuesday, May 3, 2005, scheduled to commence immediately following the conclusion of the regular open session meeting today.**

The Closed Session Agenda is separately available in the Office of the City Clerk and also posted at the same locations as the Open Session Agenda, including the City internet address.

NOTE: Members of the public wishing to address the City Council on any item on the Closed Session Agenda should reference the closed session item number from the Closed Session Docket on the speaker slip. Speakers may speak "in favor" or "in opposition" to the subject.

Information Item - No Action Required - The City Council shall:

1) Consider any oral report from the City Attorney or City negotiators; 2) Accept testimony from any member of the public wishing to address the City Council on any item appearing on the Closed Session Agenda; 3) Questions and discussion by Council Members, limited to the facts as disclosed by the City Attorney or City negotiators and the basis or justification for consideration of the matter in closed session 4) Refer matters discussed to closed session.

COUNCIL, CITY ATTORNEY, CITY MANAGER COMMENT

REQUESTS FOR CONTINUANCE

The Council will now consider requests to continue specific items.

=== LEGISLATIVE SCHEDULE (Continued) ===

Adoption Agenda, Consent Items

- ITEM-50: Wireless Communication Facilities.
CITY COUNCIL'S RECOMMENDATION: Adopt the ordinances, which were introduced on 3/1/2005, Item 336, Subitems A and B.
- ITEM-51: **NOTE:** This item was inadvertently noticed for this meeting and is expected to be re-docketed for a Council meeting later this month.
- ITEM-52: Villa Paraiso Rezone, Located at 3840 Via de la Valle. (District 1.)
CITY COUNCIL'S RECOMMENDATION: Adopt the ordinance, which was introduced on 4/19/2005, Item 333, Subitem A.
- ITEM-53: Five actions related to Multiple School Joint Use Agreements Renewal with San Diego Unified School District. (La Jolla, Clairemont Mesa, Linda Vista, and College Community Areas. Districts 2, 6, and 7.)
CITY COUNCIL'S RECOMMENDATION: Adopt the ordinances, which were introduced on 4/18/2005, Item 52.
- ITEM-54: **NOTE:** This item was inadvertently noticed for this meeting and is expected to be re-docketed for a Council meeting later this month.
- ITEM-100: Support Federal Funding for Sewage Infrastructure Repair to Stop Sewage Pollution. (Citywide. District 6.)
RULES, FINANCE AND INTERGOVERNMENTAL RELATIONS COMMITTEE'S RECOMMENDATION: On 4/20/2005, Rules voted 4 to 0 to approve.
- ITEM-101: City of San Diego Settlement Claim against PCL Civil Constructors Inc., regarding Construction Defects Discovered in the Rose Canyon Trunk Sewer Project.
CITY MANAGER'S RECOMMENDATION: Adopt the resolution.

=== **LEGISLATIVE SCHEDULE (Continued)** ===

Adoption Agenda, Consent Items (Continued)

- ITEM-102: FY 2006 Annual Action Plan – Consolidated Plan.
SAN DIEGO HOUSING COMMISSION’S RECOMMENDATION:
Adopt the resolution.
- ITEM-103: Lease Agreement with Federal Aviation Administration (FAA) for
Property Located at Mission Bay Ski Island. (Mission Bay Community
Area. District 6.)
CITY MANAGER’S RECOMMENDATION: Adopt the resolution.
- ITEM-104: Contribution Agreement with Caltrans for Improvements on Interstate 15.
(Rancho Bernardo, Carmel Mountain Ranch, and Rancho Penasquitos
Community Areas. Districts 1 and 5.)
CITY MANAGER’S RECOMMENDATION: Adopt the resolution.
- ITEM-105: Amended Freeway Agreement for Interstate 8 with the State of California
for Waring Road to La Mesa City Limit. (College and Navajo
Community Areas. District 7.)
CITY MANAGER’S RECOMMENDATION: Adopt the resolution.
- ITEM-106: Cooperative Agreement for Relinquishment of State Right of Way
Adjacent to Interstate 8. (College and Navajo Community Areas.
District 7.)
CITY MANAGER’S RECOMMENDATION: Adopt the resolution.
- ITEM-107: Grant Application to the San Diego Association of Governments
(SANDAG) for FY 2006 Transportation Development Act (TDA) Grant
Funding for the Development of the Citywide Pedestrian Master Plan –
Phase 2
CITY MANAGER’S RECOMMENDATION: Adopt the resolution.

=== **LEGISLATIVE SCHEDULE (Continued)** ===

Adoption Agenda, Consent Items (Continued)

- ITEM-108: Grant Application to State of California Office of Emergency Services for Seismic Retrofit of Water Transmission Pipelines. (Mid-Town, Mission Hills, Old Town, Little Italy, Pacific Beach, Bay Park, Serra Mesa, Mission Valley East, Kearny Mesa, Tierrasanta, Grantville, and Barrio Logan, Community Areas. Districts 2, 6, 7, and 8.)
CITY MANAGER'S RECOMMENDATION: Adopt the resolution.
- ITEM-109: Sewer Easement Vacation in Lots 17, 18, and 19, Block 2 of Nicholson's Addition Map No. 952. (La Jolla Community Area. District 1.)
CITY MANAGER'S RECOMMENDATION: Adopt the resolution.
- ITEM-110: Closing an Alley South of Boston Avenue between South 37th Street and South 38th Street. (Southeastern San Diego Community Area. District 8.)
CITY MANAGER'S RECOMMENDATION: Adopt the resolution.
- ITEM-111: Reappointments to the Community Forest Advisory Board.
MAYOR MURPHY'S RECOMMENDATION: Adopt the resolution.
- ITEM-112: Appointments and Reappointments to the International Affairs Board.
MAYOR MURPHY'S RECOMMENDATION: Adopt the resolution.
- ITEM-113: Earth Day.
COUNCILMEMBER FRYE'S RECOMMENDATION: Adopt the resolution.
- ITEM-114: Declaring a Continued State of Emergency Regarding the Discharge of Raw Sewage from Tijuana, Mexico. (District 8.)
TODAY'S ACTION IS: Adopt the resolution.
- ITEM-115: Declaring a Continued Local Health Emergency Due to the Spread of the Hepatitis C Virus and the Human Immunodeficiency Virus (HIV).
TODAY'S ACTION IS: Adopt the resolution.

=== **LEGISLATIVE SCHEDULE (Continued)** ===

Adoption Agenda, Consent Items (Continued)

- ITEM-116: Declaring a Continued State of Emergency Due to Severe Shortage of Affordable Housing in the City.
TODAY'S ACTION IS: Adopt the resolution.
- ITEM-117: Professional Investigators of California (PICA) Licensed Private Investigator Unity Day.
DEPUTY MAYOR ZUCCHET'S RECOMMENDATION: Adopt the resolution.
- ITEM-118: Mission Bay Rotary Club's 50th Anniversary Day.
DEPUTY MAYOR ZUCCHET'S RECOMMENDATION: Adopt the resolution.

Special Hearings, Discussion

- ITEM-200: Special Hearing - FY 2006 Community Development Block Grant (CDBG) Program Funding.
CITY MANAGER'S RECOMMENDATION: Hold the public hearing in Subitem A, close the hearing at the conclusion of public testimony; and continue Subitem B to May 10, 2005.

Public Notices

- ITEM-250: **Notice** of Pending Final Map Approval – 3815 Third Avenue.
- ITEM-251: **Notice** of Pending Final Map Approval – 4466 48th Street.
- ITEM-252: **Notice** of Pending Final Map Approval – 4548 Hawley Boulevard.
- ITEM-253: **Notice** of Pending Final Map Approval – 1756 Essex Street.

=== **LEGISLATIVE SCHEDULE (Continued)** ===

Noticed Hearings, Discussion

- ITEM-330: Two actions related to Rancho Bernardo Maintenance Assessment District. (Rancho Bernardo Community Area. District 5.)
CITY MANAGER'S RECOMMENDATION: Adopt the resolutions.
- ITEM-331: Two actions related to City Heights Square Office and Retail Project Disposition and Development Agreement. (City Heights Community Area. District 3.)
CITY MANAGER'S RECOMMENDATION: Adopt the resolutions.
- ITEM-332: Two actions related to City Heights Square Senior Housing Project Disposition and Development Agreement. (City Heights Community Area. District 3.)
CITY MANAGER'S RECOMMENDATION: Adopt the resolutions.
- ITEM-333: Three actions related to Amended and Restated Disposition and Development Agreement with Oliver McMillan, LLC and Review of Basic Concept/Schematic Drawings for the South Block Lofts Project. (East Village Redevelopment District of the Expansion Sub Area of the Centre City Redevelopment Project. District 2.)
CENTRE CITY DEVELOPMENT CORPORATION'S RECOMMENDATION: Adopt the resolutions.
- ITEM-334: Four actions related to Grantville Redevelopment Project. (Navajo, Tierrasanta, and College Community Areas. District 7.)
CITY MANAGER'S RECOMMENDATION: Introduce the ordinance in Subitem A and adopt the resolutions in Subitems B, C, and D.

Non-Docket Items

Adjournment in Honor of Appropriate Parties

Adjournment

=== EXPANDED CITY COUNCIL AGENDA ===

SPECIAL ORDERS OF BUSINESS

ITEM-30: Approval of Council Minutes.

TODAY'S ACTION IS:

Approval of Council Minutes for the meetings of:

04/04/2005

04/05/2005

04/11/2005

04/12/2005

NON-AGENDA PUBLIC COMMENT

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COUNCIL, CITY ATTORNEY, CITY MANAGER COMMENT

REQUESTS FOR CONTINUANCE

The Council will now consider requests to continue specific items.

ADOPTION AGENDA, CONSENT ITEMS

The following listed items are considered to be routine, and the appropriate Environmental Impact Reports have been considered. These items are indicated on the docket by a preceding asterisk (*). Because these items may be handled quickly, if you wish to be heard submit your Request to Speak form prior to or at 2:00 p.m.

ORDINANCES INTRODUCED AT A PREVIOUS MEETING, READY FOR DISPENSING WITH THE READING AND ADOPTION:

Items 50, 51, 52, and 53.

ORDINANCES TO BE REINTRODUCED:

Item 54.

RESOLUTIONS TO BE ADOPTED:

Items 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, and 118.

ADOPTION AGENDA, CONSENT ITEMS

ORDINANCES INTRODUCED AT A PREVIOUS MEETING, READY FOR DISPENSING
WITH THE READING AND ADOPTION:

* ITEM-50: Wireless Communication Facilities.

(See City Manager Report CMR-05-043.)

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinances which were introduced on 3/1/2005, Item 336,
Subitems A and B. (Council voted 9-0):

Subitem-A: (O-2005-100)

Amending Chapter 14, Article 1, Division 4, of the San Diego Municipal Code by
amending Section 141.0420 pertaining to Wireless Communication Facilities
Regulations.

Subitem-B: (O-2005-105 Cor. Copy)

Amending Chapter 2, Article 2, Division 9, of the San Diego Municipal Code by
amending Section 22.0901 pertaining to the leasing of city-owned real property.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

ORDINANCES INTRODUCED AT A PREVIOUS MEETING, READY FOR DISPENSING
WITH THE READING AND ADOPTION: (Continued)

- * ITEM-51: **NOTE:** This item was inadvertently noticed for this meeting and is expected to be re-docketed for a Council meeting later this month.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

ORDINANCES INTRODUCED AT A PREVIOUS MEETING, READY FOR DISPENSING
WITH THE READING AND ADOPTION: (Continued)

* ITEM-52: Villa Paraiso Rezone, Located at 3840 Via de la Valle.

(District 1.)

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 4/19/2005, Item 333,
Subitem A. (Council voted 9-0):

(O-2005-113)

Changing 2.25 acres located at 3840 Via de la Valle, within the Planned Urbanizing area, in the City of San Diego, California, from the agricultural residential zone (AR-1-1 Zone) (previously referred to as the A-1-5 or A-1-10 zones) into the commercial office zone (CO-1-1 Zone) and the open space conservation zone (OC-1-1), as defined by San Diego Municipal Code Section 131.0504, and 131.0203.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

ORDINANCES INTRODUCED AT A PREVIOUS MEETING, READY FOR DISPENSING
WITH THE READING AND ADOPTION: (Continued)

- * ITEM-53: Five actions related to Multiple School Joint Use Agreements Renewal with San Diego Unified School District.

(See City Manager Report CMR-05-088. La Jolla, Clairemont Mesa, Linda Vista, and College Community Areas. Districts 2, 6, and 7.)

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinances which were introduced on 4/18/2005, Item 52. (Council voted 9-0):

Subitem-A: (O-2005-89)

Authorizing the City Manager to execute an agreement renewal with the San Diego Unified School District for turfed fields and recreational facilities at the Bird Rock Elementary School site, under the terms and conditions set forth in that agreement.

Subitem-B: (O-2005-90)

Authorizing the City Manager to execute an agreement renewal with the San Diego Unified School District for turfed fields and recreational facilities at the Clay Elementary School site, under the terms and conditions set forth in that agreement.

Subitem-C: (O-2005-91)

Authorizing the City Manager to execute an agreement renewal with the San Diego Unified School District for lighted fields and recreational facilities at the Field Elementary School site, under the terms and conditions set forth in that agreement.

Subitem-D: (O-2005-92)

Authorizing the City Manager to execute an agreement renewal with the San Diego Unified School District for turfed fields, recreational facilities and parking lot at the Fletcher Elementary School site, under the terms and conditions set forth in that agreement.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

ORDINANCES INTRODUCED AT A PREVIOUS MEETING, READY FOR DISPENSING
WITH THE READING AND ADOPTION: (Continued)

* ITEM-53: (Continued)

Subitem-E: (O-2005-93)

Authorizing the City Manager to execute an agreement renewal with the San Diego Unified School District for turfed fields and recreational facilities at the Hardy Elementary School site, under the terms and conditions set forth in that agreement.

Staff: Deborah Sharpe – (619) 525-8261
Shannon M. Thomas – Deputy City Attorney

NOTE: 6 votes required pursuant to Section 99 of the City Charter.

ADOPTION AGENDA, CONSENT ITEMS

ORDINANCE TO BE REINTRODUCED:

- * ITEM-54: **NOTE:** This item was inadvertently noticed for this meeting and is expected to be re-docketed for a Council meeting later this month.

ADOPTION AGENDA, CONSENT ITEMS

RESOLUTIONS:

- * ITEM-100: Support Federal Funding for Sewage Infrastructure Repair to Stop Sewage Pollution.

(See memorandum from Andrew Poat of Governmental Relations Department dated 04/14/2005. Citywide. District 6.)

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2005-1064)

Asking the House Appropriations Interior Subcommittee to restore traditional funding for the State Revolving Fund for sewage infrastructure repair so that San Diego will have funds for sewage infrastructure repair.

RULES, FINANCE AND INTERGOVERNMENTAL RELATIONS COMMITTEE'S RECOMMENDATION:

On 4/20/2005, Rules voted 4 to 0 to approve. (Councilmembers Peters, Maienschein, Madaffer, and Mayor Murphy voted yea. Councilmember Zucchet not present.)

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

- * ITEM-101: City of San Diego Settlement Claim against PCL Civil Constructors Inc., regarding Construction Defects Discovered in the Rose Canyon Trunk Sewer Project.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2005-1045)

Authorizing acceptance of \$4,950,000 in full settlement of the City's lawsuit against PCL Civil Constructors Inc., regarding construction defects discovered in the Rose Canyon Trunk Sewer Project further described in City's lawsuit titled City of San Diego v. PCL Civil Constructors Inc., San Diego Superior Court Case No. GIC 817014;

Authorizing the City Manager to execute an agreement with all parties related to the City's lawsuit;

Declaring said settlement proceeds shall be deposited into Sewer Revenue Fund No. 41506 for a new CIP to be created for the repair of the Rose Canyon Trunk Sewer.

CITY MANAGER SUPPORTING INFORMATION:

In closed session on March 14, 2005, the City Council approved the settlement of the claim of the City of San Diego vs. PCL Civil Constructors, Inc. The City will receive a payment of \$4,950,000 in full settlement of the City's lawsuit regarding construction defects discovered on the Rose Canyon Trunk Sewer Project, as further described in the City's lawsuit titled City of San Diego v. PCL Civil Constructors Inc., San Diego Superior Court Case No. GIC 817014. These funds will be used for the future repair of the Rose Canyon Trunk Sewer. This project will be included in the FY 2006 Final CIP Budget.

FISCAL IMPACT:

Settlement payment from PCL Civil Constructors, Inc. in the amount of \$4,950,000 will be deposited in Sewer Revenue Fund 41506. Funding will be used to establish a new project in the Final FY 2006 CIP Budget.

Mendes/Tulloch/AS

Staff: Michael McGuinness - (619) 533-5854
Michael R. McGuinness – Deputy City Attorney.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

* ITEM-102: FY 2006 Annual Action Plan – Consolidated Plan.

(See San Diego Housing Commission Report HCR05-17 and City of San Diego Consolidated Plan.)

SAN DIEGO HOUSING COMMISSION'S RECOMMENDATION:

Adopt the following resolution:

(R-2005-1065)

Approving the City's federally required Fiscal Year 2006 Annual Action Plan for Community Development, and authorizing the Chief Executive Officer of the Housing Commission to submit the Plan, on behalf of the City, to the U.S. Department of Housing and Urban Development for its review and approval.

NOTE: This is a companion item to the FY 2006 Community Development Block Grant (CDBG) Program Funding.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

- * ITEM-103: Lease Agreement with Federal Aviation Administration (FAA) for Property Located at Mission Bay Ski Island.

(Mission Bay Community Area. District 6.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2005-1067)

Authorizing the City Manager to execute a new lease agreement with the FAA, for the purpose of maintaining the VORTAC air navigational device on Ski Island for the benefit of local air traffic, which lease will have a term beginning October 1, 2001, and ending September 20, 2005, with the additional right, at the FAA's option, to renew the lease annually on a year-to-year basis, provided that no renewal shall extend beyond September 30, 2021;

Declaring consideration for the lease is the FAA's operation and maintenance of the VORTAC facility and its benefits to the City and regional airport air traffic safety. The FAA has paid the City of San Diego's \$3,970 processing fee for the new lease agreement.

CITY MANAGER SUPPORTING INFORMATION:

Under terms of a prior lease agreement with the City the Federal Aviation Administration (FAA) installed a VORTAC air navigational device on the man made island in Mission Bay known as Ski Island in 1961. Since then the FAA has been continuously maintaining it for the benefit of local air traffic. The VORTAC is a vital part of the area's air navigational system and serves Montgomery Field, Brown Field, Lindbergh Field, and all airports in the region.

The FAA has requested a new lease with the City with an initial term beginning October 1, 2001, and ending September 30, 2005, with the option to renew it annually on a year-to-year basis that shall not extend beyond September 30, 2021.

A preliminary review by the Real Estate Assets Acquisition and Valuation division estimates market rent for the site to be approximately \$24,000 per year.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

* ITEM-103: (Continued)

CITY MANAGER SUPPORTING INFORMATION: (Continued)

Consideration for the proposed lease is the operation and maintenance of the VORTAC facility and its benefits to City and regional airport air traffic safety. Section 47107(a)(12) of Title 49 United States Code provides that "the airport owner or operator will provide, without cost to the Government, property interests of the sponsor in land or water areas or buildings that the Secretary decides are desirable for, or that will be used for, constructing at Government expense, facilities for carrying out activities related to air traffic control or navigation." The FAA has paid the processing fee for the Lease Agreement.

Term: Four years with sixteen one year options to renew

Rent: None

Size: Approximately 1.95 acres

FISCAL IMPACT:

\$3,970 processing fee deposited into General Fund.

Herring/Griffith/KJ

Staff: Kristin Johnson – (619) 236-7031

Debra J. Bevier – Deputy City Attorney

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

* ITEM-104: Contribution Agreement with Caltrans for Improvements on Interstate 15.

(Rancho Bernardo, Carmel Mountain Ranch, and Rancho Penasquitos
Community Areas. Districts 1 and 5.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2005-997)

Authorizing the City Manager to execute, for and on behalf of the City of San Diego, an agreement with the California Department of Transportation (Caltrans), whereby the City is to contribute to Caltrans an amount not to exceed \$3,263,285 under the terms and conditions set forth in the Contribution Agreement No. 11-0615, for the construction of auxiliary lanes on Interstate 15;

Authorizing the City Auditor and Comptroller to establish an interest-bearing fund, Fund 63016, Developers' Deposits – Caltrans;

Authorizing the City Auditor and Comptroller to accept the amount of \$801,782 from Starwood Development and to deposit said amount into CIP-52-748.0, Auxiliary Lanes on I-15 in Rancho Bernardo and Carmel Mountain Ranch, Fund 63016, Developers' Deposits – Caltrans;

Amending the Fiscal Year 2005 Capital Improvements Program Budget by adding CIP-52-748.0, Auxiliary Lanes on I-15 in Rancho Bernardo and Carmel Mountain Ranch;

Amending the Fiscal Year 2005 Capital Improvements Program Budget for CIP-52-748.0, Auxiliary Lanes on I-15 in Rancho Bernardo and Carmel Mountain Ranch, by increasing the budget by \$3,236,285;

Authorizing the City Auditor and Comptroller to appropriate and expend an amount not to exceed \$3,263,285 from CIP-52-748.0, Auxiliary Lanes on I-15 in Rancho Bernardo and Carmel Mountain Ranch as follows: \$801,782 in Fund 63016, Developers' Deposits - Caltrans; \$1,355,198 in Fund 10603, Carmel Mountain Ranch I-15/SA680 Contribution; \$959,461 in Fund 10586, Bernardo Center Drive Interchange; and \$146,844 in Fund 63022, I-15 Improvements (Starwood Development and Santa Fe Valley Partners), for the purpose of contributing to the construction of improvements on Interstate 15, provided that the City Auditor and Comptroller has first certified that said funds are on deposit in the City Treasury;

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

*** ITEM-104: (Continued)**

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess funds, if any, to the appropriate reserves.

CITY MANAGER SUPPORTING INFORMATION:

Caltrans is currently constructing managed lanes on Interstate 15 between State Route 56 and Via Rancho Parkway in Escondido. The City would like Caltrans to include the construction of auxiliary lanes at three locations as part of the larger project. These locations are: Carmel Mountain Road to Camino del Norte (two northbound lanes); Bernardo Center Drive to Rancho Bernardo Road (two northbound lanes); and Bernardo Center Drive to Camino del Norte (one southbound lane). Caltrans has agreed to include these auxiliary lane improvements as part of their larger project.

FISCAL IMPACT:

Funding for the I-15 Auxiliary Lanes in the amount of \$3,263,285 is available from the following funding sources:

- \$1,355,198 in Fund 10603, Carmel Mountain Ranch-I-15/SA680 contribution
- \$959,461 in Fund 10586, Bernardo Center Drive Interchange
- \$146,844 in Fund 63022, I-15 Improvements (Starwood Development and Santa Fe Valley Partners), \$801,782 in Fund 63016, Developers' Deposit – Caltrans

These funds will be appropriated and expended from CIP-52-748.0, Auxiliary Lanes on I-15 in Rancho Bernardo and Carmel Mountain Ranch.

Mendes/Boekamp/DZ

Aud. Cert. 2500847.

Staff: Dave Zoumaras – (619) 533-3138
Jeremy A. Jung – Deputy City Attorney

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

- * ITEM-105: Amended Freeway Agreement for Interstate 8 with the State of California for Waring Road to La Mesa City Limit.

(College and Navajo Community Areas. District 7.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2005-811)

Authorizing the City Manager to execute an amended Freeway Agreement with the State of California, regarding Interstate 8 from west of Waring Road to the La Mesa city limit, under the terms and conditions set forth in the Agreement, together with any reasonably necessary modifications or amendments thereto which do not increase project scope or cost and which the City Manager shall deem necessary from time to time in order to carry out the purposes and intent of this project and agreement;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess funds, if any, to the appropriate reserves.

CITY MANAGER SUPPORTING INFORMATION:

In 1957, the City and the State entered into a Freeway Agreement for Interstate 8 from Fairmount Avenue to the La Mesa city limit.

As a result of the construction of the Mission Valley East trolley line, the segment of Interstate 8 from west of the Waring Road interchange to the La Mesa city limit (just west of the 70th Street interchange) has been modified. In addition, the State has either realigned or constructed portions of Alvarado Canyon Road and Waring Road as a part of this project.

An amended Freeway Agreement is required in order for the State to relinquish the reconfigured streets to the City. As part of this amended Freeway Agreement, the City accepts responsibility for control and maintenance of the new City streets.

A separate agreement to approve the actual relinquishment will follow.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

* ITEM-105: (Continued)

FISCAL IMPACT:

Fiscal impact is minimal. Funds are budgeted within the General Services Department, Street Division's operating funds for this purpose.

Mendes/Boekamp/LVW

Staff: Larry Van Wey – (619) 533-3005
John F. Kirk – Deputy City Attorney

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

- * ITEM-106: Cooperative Agreement for Relinquishment of State Right of Way Adjacent to Interstate 8.

(College and Navajo Community Areas. District 7.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2005-1010)

Authorizing the City Manager to execute an agreement with the California Department of Transportation (Caltrans) for the relinquishment by the State of California of four portions of right of way along Alvarado Canyon Road, Alvarado Creek Bridge, and Alvarado Road, under the terms and conditions set forth in Cooperative Agreement No. 11-8225.

CITY MANAGER SUPPORTING INFORMATION:

As part of the construction of the Mission Valley East trolley line, portions of Alvarado Road and Alvarado Canyon Road were realigned or constructed within State right of way adjacent to Interstate 8. In addition, a new bridge over Alvarado Creek was built. Because these facilities will be City streets once the project has been completed, the State must relinquish them to the City, with the City accepting responsibility for control and maintenance of all new facilities within the relinquishment area.

This action will accept the relinquishment of four portions of State right of way that were used in the realignment of or construction of Alvarado Road, Alvarado Canyon Road, and the Alvarado Creek bridge.

FISCAL IMPACT:

Fiscal impact is minimal. Funds are budgeted within the General Services Department, Street Division's operating fund for this purpose.

Mendes/Boekamp/LVW

Staff: Larry Van Wey – (619) 533-3005
Jeremy A. Jung – Deputy City Attorney

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

- * ITEM-107: Grant Application to the San Diego Association of Governments (SANDAG) for FY 2006 Transportation Development Act (TDA) Grant Funding for the Development of the Citywide Pedestrian Master Plan – Phase 2.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2005-1018)

Authorizing the City Manager, or designee, to submit an application, on behalf of the City, for FY 2006 Transportation Development Act (TDA) grant funding for the development of the Citywide Pedestrian Master Plan - Phase 2;

Authorizing the City Manager, or designee, to take all necessary actions to secure funds from SANDAG for the Project;

Authorizing the City Auditor and Comptroller to accept, appropriate, and expend funds if the Transportation Development Act grant is secured;

Authorizing the City Auditor and Comptroller to establish a separate interest-bearing account.

CITY MANAGER SUPPORTING INFORMATION:

The City of San Diego is requesting \$150,000 of Fiscal Year 2006 Transportation Development Act (TDA) grant funding required for the development of Phase 2 of a Citywide Pedestrian Master Plan. Grant funding will be requested from the San Diego Association of Governments (SANDAG) as the regional administrator of the TDA claims program. This funding source is competitive.

The City was successful in obtaining \$150,000 of FY 2005 TDA grant funds for Phase 1 of the Pedestrian Master Plan, which is currently underway. When complete, Phase 1 will contain the technical methods, existing conditions data, and public outreach plan for developing the Plan, as well as the initial development of the Plan in at least one community planning area. Our consultant will work with the Project Working Group to develop criteria and weighting factors for the community prioritization and selection process. Criteria will include, but not be limited to, employment density, population density, number of pedestrian activity areas, pilot village locations, and pedestrian accident data.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

* ITEM-107: (Continued)

CITY MANAGER SUPPORTING INFORMATION: (Continued)

We will rely on input from a citywide public open house, CPC, the Planning Commission, and City Council, to fine-tune and finalize the criteria. Phase 2 and subsequent phases of the Pedestrian Master Plan will continue to develop the Plan in additional community planning areas throughout the City.

The purpose of the Pedestrian Master Plan is to identify routes to pedestrian activity centers and pedestrian improvement projects along the routes throughout the City based on community input and technical analysis. Pedestrian activity centers include: schools, transit stations and stops, commercial and mixed-use areas, senior centers, libraries, recreation centers, and parks. The identified pedestrian improvement projects will be prioritized from short to long-term. City staff and the project consultant will conduct meetings and workshops with each community planning group throughout the City as the Plan is developed. The Pedestrian Master Plan will be a key resource for the City in securing grant funding needed to implement pedestrian infrastructure improvement projects that promote the General Plan pedestrian safety, walkability, mobility, accessibility, and neighborhood quality goals.

FISCAL IMPACT:

No fiscal impact. If approved, the City would receive up to \$150,000 in grant funding. Matching funds are not required for the grant.

Ewell/Goldberg/SH/MG

Staff: Samir Hajjiri – (619) 533-4546
David Miller – Deputy City Attorney

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

- * ITEM-108: Grant Application to State of California Office of Emergency Services for Seismic Retrofit of Water Transmission Pipelines.

(Mid-Town, Mission Hills, Old Town, Little Italy, Pacific Beach, Bay Park, Serra Mesa, Mission Valley East, Kearny Mesa, Tierrasanta, Grantville, and Barrio Logan, Community Areas. Districts 2, 6, 7, and 8.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2005-1092)

Authorizing the City Manager to make an application to the State of California Governor's Office of Emergency Services (OES) for the purpose of obtaining certain federal financial assistance under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (Stafford Act), 42 C.S.C. 5133, as amended by the Disaster Mitigation Act of 2000 (DMA) for seismic retrofit of water transmission pipelines;

Authorizing the City Manager, or designee, to take all necessary actions to secure funds from the OES for seismic retrofit of water transmission pipelines, which includes providing OES all matters pertaining to such disaster assistance as the grant assurances and agreements require;

Amending the Fiscal Year 2005 Capital Improvements Program Budget by adding Water Fund 41500, CIP-73-910.0, Annual Allocation Seismic Upgrades to the Fiscal Year 2005 Water Department Capital Improvement Program;

Authorizing the City Auditor and Comptroller to transfer an amount not to exceed \$1,000,000 from Water Fund 41500, CIP-75-931.0, Water Department Security Upgrades to Water 41500, CIP-73-910.0, Annual Allocation Seismic Upgrades;

Authorizing the expenditure of an amount not to exceed \$1,000,000 from Water Fund 41500, CIP-73-910.0, Annual Allocation Seismic Upgrades, for the purpose of planning and implementing seismic retrofits of water mains, provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that funds necessary for expenditure are, or will be, on deposit with the City Treasurer;

Authorizing the City Auditor and Comptroller upon advice from the administering department, to transfer excess funds, if any, to the appropriate reserves.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

* ITEM-108: (Continued)

CITY MANAGER SUPPORTING INFORMATION:

This action authorizes the City Manager or his representative to apply for funding for program costs to plan and implement seismic retrofits to selected large diameter pipelines.

A large earthquake event could rupture major water lines and adversely affect the ability to fight fires during the critical period closely following the event. Rapid restoration of water service is also a key factor in economic recovery. The Seismic Vulnerability Study (May, 2001) identified a number of large diameter pipelines that cross active faults and liquefaction zones. These include six critical large diameter pipelines that cross the active Rose Canyon fault that serve the coastal communities of Mid Town, Mission Hills, Old Town, Little Italy, Pacific Beach, Bay Park, and Barrio Logan. Six transmission mains crossing liquefiable soils located in Serra Mesa, Mission Valley East, Kearny Mesa, Tierrasanta, and Grantville are identified for improvement. For each of the locations, a retrofit will be developed to support rapid restoration of water service to these areas.

The FY 2005 Pre Disaster Mitigation Grant Program (PDM 05) is a nation-wide competitive grant program. The FY 2005 program has \$255 million available for the Federal share (75%) of approved mitigation projects based on favorable cost benefit analysis with a maximum of \$3 million available for each project. The program objective is to reduce overall risks to the population and to reduce or avoid costs of disaster-related damage to the public infrastructure of eligible jurisdictions. The City of San Diego is an eligible jurisdiction and seismic retrofit of critical water systems is an eligible project in accordance with the PDM 05 guidance.

FISCAL IMPACT:

FEMA PDM grants are provided on a cost-share basis of 75 percent Federal share and 25 percent non-federal share. The total estimated cost of this request is \$1 million for the City's 25 percent share. Funding is available in Water Utility Revenue Fund, Fund 41500. This action is not contingent on a future bond issuance. Environmental Impact: Subsequent projects will be required to undergo full CEQA review prior to approval of construction bid documents.

Arellano/Ghio/WFN

Aud. Cert. 2500910.

Staff: Mike Conner - (619) 533-7484
John F. Kirk – Deputy City Attorney

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

- * ITEM-109: Sewer Easement Vacation in Lots 17, 18, and 19, Block 2 of Nicholson's Addition Map No. 952.

(La Jolla Community Area. District 1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2005-1012)

Vacating the sewer easement located within Lots 17, 18, and 19, Block 2 of Nicholson's Addition Map No. 952 as shown on Drawing No. 20153-B, to unencumber this property and facilitate development of the site under the procedure for the summary vacation of public service easements, Section 8330 et seq., of the California Streets and Highways Code, and Section 125.1001 et seq., of the San Diego Municipal Code.

CITY MANAGER SUPPORTING INFORMATION:

City Council action is requested to vacate an unneeded sewer easement in Lots 17, 18 and 19, Block 2 of Nicholson's Addition Map No. 952 as shown on Engineering Drawing No. 20153-B. This site is located in the La Jolla Community Plan area, northwesterly of Pearl Street and Olivetas Avenue in Council District 1.

The sewer easement being vacated was acquired in 1949 at no cost to the City, and the City has no fee interest. The property, White Sands of La Jolla, is being redeveloped. The existing sewer system, on private property, is being replaced with a direct connection to the sewer in the street, making the existing easement unnecessary.

Staff has reviewed and recommends approval of this action.

FISCAL IMPACT:

None.

Frazier/Halbert/GRB

Staff: Gerri Bollenbach – (619) 446-5417
John C. Hemmerling – Deputy City Attorney

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

- * ITEM-110: Closing an Alley South of Boston Avenue between South 37th Street and South 38th Street.

(Southeastern San Diego Community Area. District 8.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2005-983)

Authorizing the City Manager to close to vehicular traffic the portion of the Alley parallel to and south of Boston Avenue between South 37th Street and South 38th Street, as shown on Exhibit A.

CITY MANAGER SUPPORTING INFORMATION:

This action will authorize the City Manager to close to vehicular traffic a portion of the alley parallel to and south of Boston Avenue between South 37th Street and South 38th Street. The City Council is authorized to close a roadway that divides a school ground, according to California Vehicle Code Section 21102. The campus of St. Jude Academy occupies both sides of the portion of the alley proposed for closure. The closure will improve safety for school children who cross the alley on a daily basis. St. Jude Academy officials indicated that they have notified owners of all affected properties of the proposed alley closure. The closure is supported by a petition signed by 91 % of affected property owners, and it will not preclude access to their homes since only a portion of the alley is to be closed. The Southeast San Diego Community Planning Committee voted to support the closure in their meeting on June 14, 2004.

FISCAL IMPACT:

\$3,434. Funds are available in the Street Division for this purpose.

Mendes/Boekamp/DVW

Aud. Cert. 2500839.

Staff: Deborah Van Wanseele – (619) 533-3012
Tim Miller – Deputy City Attorney

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

* ITEM-111: Reappointments to the Community Forest Advisory Board.

(See memorandum from Mayor Murphy dated 4/12/2005, with resumes attached, and memorandum from Councilmember Frye dated 4/11/2005.)

MAYOR MURPHY'S RECOMMENDATION:

Adopt the following resolution:

(R-2005-1071)

Council confirmation of the following reappointments by the Mayor of the City of San Diego, to serve as members of the Community Forest Advisory Board, for terms ending as indicated, representing categories as indicated:

<u>NAME</u>	<u>TERM ENDING</u>	<u>CATEGORY</u>
Nancy J. Hughes (Encinitas)	December 31, 2007	Chair
Mary J. Johnson (Mission Village -District 6)	December 31, 2007	District 6 Representative

Stating that pursuant to Council Policy 000-13, for purposes of deliberation and consideration of appointment, it is determined that Nancy J. Hughes is a resident of San Diego County, but not the City of San Diego, and has unique qualifications to serve as a member of the Board, therefore, a conscious exception to Council Policy 000-13 is hereby declared.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

* ITEM-112: Appointments and Reappointments to the International Affairs Board.

(See memorandum from Mayor Murphy dated 4/13/2005, with resumes attached, and memorandum from Councilmember Peters dated 3/23/2005.)

MAYOR MURPHY'S RECOMMENDATION:

Adopt the following resolution:

(R-2005-1088)

Confirming the following reappointments and appointments by the Mayor of the City of San Diego, to serve as members of the International Affairs Board, for terms expiring on March 1, 2007:

Reappointments:

Joseph J. Darby (La Jolla, District 1)

Wendy Gillespie (Point Loma, District 2)

Young Kim (Clairemont, District 6)

Feraidoon (Fred) Raafat (Carmel Valley, District 1)

Anthony D. Samson (Bankers Hill, District 3)

Appointments:

Hsin-Chieh Joe Chou (Rancho Bernardo, District 5)
(Replacing Jeffrey S. Lowe, whose term expired.)

Renee M. Kilmer (Mission Hills, District 2)
(Replacing Jacqueline S. Corey, whose term expired.)

Edward J. G. Mracek (La Jolla, District 1)
(Replacing Gwen K. Young, whose term expired.)

Patricia E. Reeve (Scripps Ranch, District 5)
(Replacing Linda Bejarano Stepp, whose term expired.)

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

* ITEM-113: Earth Day.

COUNCILMEMBER FRYE'S RECOMMENDATION:

Adopt the following resolution:

(R-2005-1094)

Proclaiming April 22, 2005, to be "Earth Day" in the City of San Diego, and urging all citizens to recognize the importance of this opportunity which will provide us with a special occasion to renew our commitment to protect our home: Earth.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

- * ITEM-114: Declaring a Continued State of Emergency Regarding the Discharge of Raw Sewage from Tijuana, Mexico.

(District 8.)

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2005-806)

Declaring a Continued State of Emergency regarding the discharge of raw sewage from Tijuana, Mexico.

- * ITEM-115: Declaring a Continued Local Health Emergency Due to the Spread of the Hepatitis C Virus and the Human Immunodeficiency Virus (HIV).

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2005-1076)

Declaring a Continued Local Health Emergency due to the spread of the Hepatitis C Virus and the Human Immunodeficiency Virus (HIV) for the purpose of implementing a one-year clean needle and syringe exchange program.

CITY MANAGER SUPPORTING INFORMATION:

California Health and Safety Code section 11364.7 (effective January 1, 2000) acknowledges the public health threat posed by the sharing of needles and syringes by injection drug users. The Code requires a local jurisdiction to declare a local emergency due to the existence of a critical local public health crisis in order to establish a clean needle and syringe exchange program. In order to permit development and implementation of a pilot clean needle and syringe exchange program, today's action continues the state of emergency first declared by the City Council on November 27, 2001.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

- * ITEM-116: Declaring a Continued State of Emergency Due to Severe Shortage of Affordable Housing in the City.

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2005-593)

Declaring a Continued State of Emergency Due to Severe Shortage of Affordable Housing in the City of San Diego.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

- * ITEM-117: Professional Investigators of California (PICA) Licensed Private Investigator Unity Day.

DEPUTY MAYOR ZUCCHET'S RECOMMENDATION:

Adopt the following resolution:

(R-2005-1062)

Recognizing and commending the exceptional contributions that California Licensed Private Investigators have made to the San Diego region;

Proclaiming April 7, 2005, to be "Professional Investigators of California (PICA) Licensed Private Investigator Unity Day" in the City of San Diego.

- * ITEM-118: Mission Bay Rotary Club's 50th Anniversary Day.

DEPUTY MAYOR ZUCCHET'S RECOMMENDATION:

Adopt the following resolution:

(R-2005-1089)

Acknowledging and applauding the special contributions and commitment of the Mission Bay Rotary Club on the occasion of its 50th Anniversary;

Proclaiming April 23, 2005, to be "Mission Bay Rotary Club's 50th Anniversary Day" in the City of San Diego.

ADOPTION AGENDA, DISCUSSION, HEARINGS

SPECIAL HEARINGS:

ITEM-200: Special Hearing - FY 2006 Community Development Block Grant (CDBG) Program Funding.

(See memorandum from P. Lamont Ewell dated 4/19/2005.)

The purpose of this special hearing is to receive public testimony on requests for Fiscal Year 2006 Community Development Block Grant Program funding allocations.

The special hearing will be closed at the end of public testimony. The resolution in Subitem-B will be continued to May 10, 2005, for Council discussion and decisions regarding the distribution of available funds.

CITY MANAGER'S RECOMMENDATION:

Hold the public hearing in Subitem A, close the hearing at the conclusion of public testimony; and continue Subitem B to May 10, 2005:

Subitem-A:

Special Hearing - FY 2006 Community Development Block Grant (CDBG) Program Funding.

Public Testimony will be heard in the following order:

- 1 - CDBG Applications 1-161 in the order in which they are numbered.
- 2 - Other Testimony.

Subitem-B: (R-2005-1081 Cor. Copy)

NOTE: Subitem B will be continued to May 10, 2005, at the conclusion of today's public hearing.

Approving and appropriating the funding allocations for the FY2006 CDBG Program, contingent upon certification of funds availability by the City Auditor and Comptroller, and that those projects funded are to be incorporated into the City's Fiscal Year 2006 CDBG Action Plan;

ADOPTION AGENDA, DISCUSSION, HEARINGS (Continued)

SPECIAL HEARINGS: (Continued)

ITEM-200: (Continued)

Subitem-B: (Continued)

Authorizing the City Manager to ~~submit~~ execute the Fiscal Year 2006 Action Plan for San Diego Housing Commission submittal to the United States Department of Housing and Urban Development, and upon its acceptance, to execute a grant agreement for Federal Fiscal Year 2005 CDBG, Emergency Shelter Grant (ESG), Housing Opportunities for People with AIDS (HOPWA), Home Investment Partnership (HOME), and American Dream Downpayment Initiative (ADDI) funds;

Authorizing the City Manager to negotiate and execute agreements with all programs approved for funding, contingent upon certification of funds availability by the City Auditor and Comptroller.

Authorizing the City Auditor and Comptroller to re-program funding from prior year CDBG funded projects to Fiscal Year 2006 projects, as adopted by the City Council, contingent upon certification of funds availability by the City Auditor and Comptroller;

Authorizing the Executive Director of the San Diego Housing Commission to negotiate and execute agreements with all funded programs whose allocations the City Manager asks the San Diego Housing Commission to administer, contingent upon certification of funds availability by the City Auditor and Comptroller;

Authorizing the City Manager to suspend the initiation of new HUD Section 108 Loans that rely on CDBG as a repayment source during Fiscal Year 2006.

CITY MANAGER SUPPORTING INFORMATION:

The purpose of the public hearing is to hear testimony on the FY 2006 Community Development Block Grant (CDBG) program. There are 161 CDBG applications. Each CDBG application has been assigned a number and the applicant will be invited to testify in numerical order. At the conclusion of the CDBG testimony, general program and other comments will be heard. The hearing will then be closed and the remainder of the item (subitem B) will be continued to May 10, 2005, at which time Council discussion and funding decisions will occur.

FISCAL IMPACT:

Funds are available from the Community Development Block Grant Program to cover the costs of these programs.

Frazier/Cunningham/ACP

Staff: Anita C. Pyle – (619) 236-6944
Michael D. Neumeyer – Deputy City Attorney

PUBLIC NOTICES:

Items are listed under Public Notice as a matter of public record only. These items do not require Council action and there is no public testimony.

ITEM-250: Notice of Pending Final Map Approval – 3815 Third Avenue.

Notice is hereby given that the City Engineer has reviewed and will approve on this day the subdivision of land shown on that certain final map entitled “3815 Third Avenue” (T.M. No. 119133/PTS No. 61807), located northeasterly of Third Avenue and Robinson Avenue in the Uptown Community Plan Area in Council District 3, a copy of which is available for public viewing at the Office of the San Diego City Clerk. Specifically, the City Engineer has caused the map to be examined and has made the following findings:

- (1) The map substantially conforms to the approved tentative map, and any approved alterations thereof and any conditions of approval imposed with said tentative map.
- (2) The map complies with the provisions of the Subdivision Map Act and any local ordinances applicable at the time of approval of the tentative map.
- (3) The map is technically correct.

Said map will be finalized and recorded unless a valid appeal is filed. Interested parties will have 10 calendar days from the date of this Council hearing to appeal the above findings of the City Engineer to the City Council. A valid appeal must be filed with the City Clerk no later than 2:00 p.m., 10 calendar days from the date of this Notice stating briefly which of the above findings made by the City Engineer was improper or incorrect and the basis for that conclusion. If you have questions about the approval findings or need additional information about the map or your appeal rights, please feel free to contact Deputy City Engineer Lee Hennes at (619) 446-5291.

PUBLIC NOTICES: (Continued)

Items are listed under Public Notice as a matter of public record only. These items do not require Council action and there is no public testimony.

ITEM-251: Notice of Pending Final Map Approval – 4466 48th Street.

Notice is hereby given that the City Engineer has reviewed and will approve on this day the subdivision of land shown on that certain final map entitled “4466 48th Street” (T.M. No. 26879/PTS No. 57086), located northwesterly of 48th Street and El Cajon Boulevard in the Mid City: Kensington-Talmadge Community Plan Area in Council District 3, a copy of which is available for public viewing at the Office of the San Diego City Clerk. Specifically, the City Engineer has caused the map to be examined and has made the following findings:

- (1) The map substantially conforms to the approved tentative map, and any approved alterations thereof and any conditions of approval imposed with said tentative map.
- (2) The map complies with the provisions of the Subdivision Map Act and any local ordinances applicable at the time of approval of the tentative map.
- (3) The map is technically correct.

Said map will be finalized and recorded unless a valid appeal is filed. Interested parties will have 10 calendar days from the date of this Council hearing to appeal the above findings of the City Engineer to the City Council. A valid appeal must be filed with the City Clerk no later than 2:00 p.m., 10 calendar days from the date of this Notice stating briefly which of the above findings made by the City Engineer was improper or incorrect and the basis for that conclusion. If you have questions about the approval findings or need additional information about the map or your appeal rights, please feel free to contact Deputy City Engineer Lee Hennes at (619) 446-5291.

PUBLIC NOTICES: (Continued)

Items are listed under Public Notice as a matter of public record only. These items do not require Council action and there is no public testimony.

ITEM-252: **Notice** of Pending Final Map Approval – 4548 Hawley Boulevard.

Notice is hereby given that the City Engineer has reviewed and will approve on this day the subdivision of land shown on that certain final map entitled “4548 Hawley Boulevard” (T.M. No. 72707/PTS No. 60265), located northwesterly of Monroe Avenue and Hawley Boulevard in the Mid-City: Normal Heights Community Plan Area in Council District 3, a copy of which is available for public viewing at the Office of the San Diego City Clerk. Specifically, the City Engineer has caused the map to be examined and has made the following findings:

- (1) The map substantially conforms to the approved tentative map, and any approved alterations thereof and any conditions of approval imposed with said tentative map.
- (2) The map complies with the provisions of the Subdivision Map Act and any local ordinances applicable at the time of approval of the tentative map.
- (3) The map is technically correct.

Said map will be finalized and recorded unless a valid appeal is filed. Interested parties will have 10 calendar days from the date of this Council hearing to appeal the above findings of the City Engineer to the City Council. A valid appeal must be filed with the City Clerk no later than 2:00 p.m., 10 calendar days from the date of this Notice stating briefly which of the above findings made by the City Engineer was improper or incorrect and the basis for that conclusion. If you have questions about the approval findings or need additional information about the map or your appeal rights, please feel free to contact Deputy City Engineer Lee Hennes at (619) 446-5291.

PUBLIC NOTICES: (Continued)

Items are listed under Public Notice as a matter of public record only. These items do not require Council action and there is no public testimony.

ITEM-253: **Notice** of Pending Final Map Approval – 1756 Essex Street.

Notice is hereby given that the City Engineer has reviewed and will approve on this day the subdivision of land shown on that certain final map entitled “1756 Essex Street” (T.M. No. 119329/PTS No. 52445), located northwesterly of Essex Street and Park Boulevard in the Uptown Community Plan Area in Council District 3, a copy of which is available for public viewing at the Office of the San Diego City Clerk. Specifically, the City Engineer has caused the map to be examined and has made the following findings:

- (1) The map substantially conforms to the approved tentative map, and any approved alterations thereof and any conditions of approval imposed with said tentative map.
- (2) The map complies with the provisions of the Subdivision Map Act and any local ordinances applicable at the time of approval of the tentative map.
- (3) The map is technically correct.

Said map will be finalized and recorded unless a valid appeal is filed. Interested parties will have 10 calendar days from the date of this Council hearing to appeal the above findings of the City Engineer to the City Council. A valid appeal must be filed with the City Clerk no later than 2:00 p.m., 10 calendar days from the date of this Notice stating briefly which of the above findings made by the City Engineer was improper or incorrect and the basis for that conclusion. If you have questions about the approval findings or need additional information about the map or your appeal rights, please feel free to contact Deputy City Engineer Lee Hennes at (619) 446-5291.

ADOPTION AGENDA, DISCUSSION, HEARINGS

NOTICED HEARINGS:

ITEM-330: Two actions related to Rancho Bernardo Maintenance Assessment District.

(Rancho Bernardo Community Area. District 5.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2005-846)

Approving Fiscal Year 2006 Budget for the Rancho Bernardo Maintenance Assessment District.

Subitem-B: (R-2005-847)

Considering the protests, approving Engineer's Report, confirming the assessments, and ordering the proposed maintenance, in the matter of the Rancho Bernardo Maintenance Assessment District.

CITY MANAGER SUPPORTING INFORMATION:

This action will increase the Fiscal Year 2006 assessments for the Rancho Bernardo Maintenance Assessment District (District). The District is located in the Rancho Bernardo Community Planning Area. It was established in July 1983 and was balloted for Proposition 218 compliance in 1997, and was balloted again in June-July 2004 to increase assessments for existing and proposed new maintenance areas. The June-July 2004 ballot failed by a margin of 51% opposed and 49% in favor. The Rancho Bernardo Maintenance Assessment District Citizens Advisory Committee initially decided to maintain service levels by drawing down reserves, while evaluating whether to ballot again. In October 2004, the Advisory Committee voted to reduce service levels to keep expenditures within revenues. In December 2004, the Advisory Community voted to ballot the District again. Per Resolution R-290239, since the District only failed by 2%, it is eligible for balloting again within one year of vote tabulation. This second ballot protest procedure would allow for a vote of property owners whether to: (1) raise the annual assessment per Equivalent Benefit Unit (EBU) from \$7.21 to \$15.00 in Fiscal Year 2006, (2) incorporate new areas into the district, and (3) authorize a cost indexing factor of an amount not to exceed San Diego CPI-U plus 3%. The purpose is to increase income sufficiently to cover the current service level, maintain a minimum 10% operating reserve, and fund small planting projects and their future maintenance through the assessment of property owners.

ADOPTION AGENDA, DISCUSSION, HEARINGS (Continued)

NOTICED HEARINGS: (Continued)

ITEM-330: (Continued)

CITY MANAGER SUPPORTING INFORMATION: (Continued)

This District would provide maintenance for lands for landscaped medians, median tree up-lighting, hardscaped medians, median sweeping, landscaped rights-of-way, and hardscaped rights-of-way.

	<u>FY 2006</u>	<u>Maximum Authorized</u>
<u>EXPENSES:</u>		
Personnel	\$36,993	\$36,993
Contract	\$251,961	\$308,816
Incidentals	\$60,491	\$74,541
Energy and Utilities	<u>\$21,943</u>	<u>\$29,094</u>
TOTAL EXPENSES	\$371,388	\$449,444
<u>REVENUES:</u>		
Assessments	\$364,424	\$449,505
City Contributions-Gas Tax	\$33,872	\$33,872
Interest	<u>\$5,000</u>	<u>\$5,000</u>
TOTAL REVENUES	\$403,296	\$488,377
RESERVES	\$31,908	\$38,933

The proposed property owner assessment for Fiscal Year 2006 is \$15.00 per EBU. A maximum assessment authorized for Zone 1 of the District is \$18.50 per EBU. Zone 1 of the District contains a total of 24,294.81 EBUs. Zone 2 is not assessed.

FISCAL IMPACT:

It is proposed that the City will contribute \$33,872 from the Gas Tax Fund 302191 for the City's share of expenses incurred for maintenance of street medians comparable to similar areas throughout the City. All other costs are assessed to property owners in the District. The City owns 12 assessable parcels in the district, resulting in a General Fund assessment in Fiscal Year 2006 of \$1,933. The fiscal impact to the City is the same as it was when the ballot failed in June-July 2004.

Herring/Oppenheim/AWF

Staff: Mauro Garcia – (619) 685-1350

ADOPTION AGENDA, DISCUSSION, HEARINGS (Continued)

NOTICED HEARINGS: (Continued)

ITEM-331: Two actions related to City Heights Square Office and Retail Project Disposition and Development Agreement.

(See Redevelopment Agency Report RA-05-10/CMR-05-094. City Heights Community Area. District 3.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2005-1058)

Recognizing that the City Council has received and heard all oral and written objections to the proposed Agreement to the proposed sale of the real property pursuant thereto, and to other matters pertaining to this transaction, and that all the oral and written objections are hereby overruled;

Finding and determining that the sale of the real property for the City Heights Square Office and Retail Project (Development) as described in the Agreement will assist in the elimination of blight;

Finding and determining that the consideration to be paid by the San Diego Revitalization Corporation (Developer) for the purchase of the real property for the Development is not less than fair market value of the property at its highest and best use in accordance with the Redevelopment Plan. The Agency further finds and determines that all consideration to be paid under the Agreement is in an amount necessary to effectuate the purposes of the Redevelopment Plan for the Project Area;

Approving the sale of the real property and the Agreement which establishes the terms and conditions for the sale and improvement of the real property;

Authorizing the City Clerk to deliver a copy of this resolution to the Executive Director and members of the Agency.

ADOPTION AGENDA, DISCUSSION, HEARINGS (Continued)

NOTICED HEARINGS: (Continued)

ITEM-331: (Continued)

Subitem-B: (R-2005-1057)

Declaring the Council is aware that the Redevelopment Agency of the City of San Diego has previously certified the information contained in the Mitigated Negative Declaration (MND) No. 49060 (Mitigated Negative Declaration), and in reliance on such certification, certifies that the information contained in the Mitigated Negative Declaration, on file in the Office of the City Clerk, has been completed in compliance with the California Environmental Quality Act of 1970 (California Public Resources Code Section 21000 et seq.), as amended, and the State guidelines thereto (California Code of Regulations Section 15000 et seq.), that the declaration reflects the independent judgment of the Council as Responsible Agency and that the information contained in the report, together with any comments received during the public review process, has been reviewed and considered by the Council in connection with the approval of the DDA for the City Heights Square Project;

Declaring the Council finds that project revisions now mitigate potentially significant effects on the environment previously identified in the Initial Study and therefore, approving the Mitigated Negative Declaration;

Adopting the Mitigation Monitoring and Reporting Program, or alterations to implement the changes to the project as required by this body in order to mitigate or avoid significant effects on the environment, pursuant to California Public Resources Code Section 21081.6;

Directing the City Clerk to file a Notice of Determination (NOD) with the Clerk of the Board of Supervisors for the County of San Diego regarding the above project.

NOTE: See the Redevelopment Agency Agenda of 5/3/2005, for a companion item.

Staff: Jim LoBue – (619) 533-5263
Sharon Matthews – Deputy City Attorney

ADOPTION AGENDA, DISCUSSION, HEARINGS (Continued)

NOTICED HEARINGS: (Continued)

ITEM-332: Two actions related to City Heights Square Senior Housing Project Disposition and Development Agreement.

(See Redevelopment Agency Report RA-05-11/CMR-05-095. City Heights Community Area. District 3.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2005-1080)

Declaring that the City Council recognizes that it has received and heard all oral and written objections to the proposed Agreement, to the proposed sale of the real property pursuant thereto, and to other matters pertaining to this transaction, and that all the oral and written objections are hereby overruled;

Finding and determining that the sale of the real property for the City Heights Square Senior Housing Project (Development) as described in the Agreement will assist in the elimination of blight;

Finding and determining that the consideration to be paid by the City Heights Square, L.P. (Developer) for the purchase of the real property for the Development is not less than the fair reuse value of the property at the use and with the covenants and conditions and development costs as set forth in the Agreement. The Agency further finds and determines that all consideration to be paid under the Agreement is in an amount necessary to effectuate the purposes of the Redevelopment Plan for the Project Area;

Approving the sale of the real property and the Agreement which establishes the terms and conditions for the sale and improvement of the real property;

Finding and determining that the use of Low and Moderate Income Housing Funds from the Centre City Redevelopment Project Area pursuant to the Agreement will be of benefit to the Centre City Redevelopment Project Area for the reasons set forth in Attachment 1;

Authorizing the City Clerk to deliver a copy of this resolution to the Executive Director and members of the Agency.

ADOPTION AGENDA, DISCUSSION, HEARINGS (Continued)

NOTICED HEARINGS: (Continued)

ITEM-332: (Continued)

Subitem-B: (R-2005-1079)

Certifying the information contained in the Mitigated Negative Declaration (MND) No. 40960 (Mitigated Negative Declaration), and in reliance on such certification, certifies that the information contained in the Mitigated Negative Declaration on file in the Office of the City Clerk, has been completed in compliance with the California Environmental Quality Act of 1970 (California Public Resources Code Section 21000 et seq.), as amended, and the State guidelines thereto (California Code of Regulations Section 15000 et seq.), that the declaration reflects the independent judgment of the City Council as Responsible Agency and that the information contained in the report, together with any comments received during the public review process, has been reviewed and considered by the Council in connection with the approval of the DDA for the City Heights Square Senior Housing Project;

Declaring the project revisions now mitigate potentially significant effects on the environment previously identified in the Initial Study and therefore, approving the Mitigated Negative Declaration;

Adopting the Mitigation Monitoring and Reporting Program, or alterations to implement the changes to the project as required by this body in order to mitigate or avoid significant effects on the environment, a copy of which is included in the Mitigated Negative Declaration and incorporated herein by reference, pursuant to California Public Resources Code Section 21081.6;

Directing the City Clerk to file a Notice of Determination (NOD) with the Clerk of the Board of Supervisors for the County of San Diego regarding the above project.

NOTE: See the Redevelopment Agency Agenda of May 3, 2005, for a companion item.

Staff: Bob Kennedy – (619) 533-4276
Sharon Matthews – Deputy City Attorney

ADOPTION AGENDA, DISCUSSION, HEARINGS (Continued)

NOTICED HEARINGS: (Continued)

ITEM-333: Three actions related to Amended and Restated Disposition and Development Agreement with Oliver McMillan, LLC and Review of Basic Concept/Schematic Drawings for the South Block Lofts Project.

(See Centre City Development Corporation Report CCDC-05-11/CCDC-05-05. East Village Redevelopment District of the Expansion Sub Area of the Centre City Redevelopment Project. District 2.)

CENTRE CITY DEVELOPMENT CORPORATION'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2005-1021)

Approving the sale of certain property located generally on the block bounded by Sixth Avenue, G Street, Seventh Avenue, and Market Street, in the Centre City Redevelopment Project Area to Oliver McMillan, LLC; approving the Amended and Restated Disposition and Development Agreement pertaining thereto; and making certain findings with respect to such sale.

Subitem-B: (R-2005-1022)

Certifying that the City Council has reviewed and considered information contained in the Master Environmental Impact Report for the Centre City Redevelopment Project, the Subsequent Environmental Impact Report to the MEIR for the Proposed Ballpark and Ancillary Development Projects, and Associated Plan Amendments, and the Secondary Study with respect to the proposed Disposition and Development Agreement between the Redevelopment Agency of the City of San Diego and Oliver McMillan, LLC; and making certain findings and determination regarding environmental impacts of the development pursuant thereto.

Subitem-C: (R-2005-1023)

Approving Centre City Development Permit/Variance 2002-51, for the South Block Lofts Project, subject to the conditions listed in said Permit.

NOTE: This is a Joint Public Hearing with the Redevelopment Agency. See the Redevelopment Agency Agenda of May 3, 2005 for a companion item.

ADOPTION AGENDA, DISCUSSION, HEARINGS (Continued)

NOTICED HEARINGS: (Continued)

ITEM-334: Four actions related to Grantville Redevelopment Project.

(See Redevelopment Agency Report RA-05-14/CMR-05-099; Redevelopment Agency Report to the City Council dated 3/18/2005; Final Program Environmental Impact Report dated March 2005; Final Environmental Impact Report CEQA Findings dated March 2005; Mitigation Monitoring and Reporting Program dated March 2005; Draft 2nd of the Redevelopment Plan for the Grantville Redevelopment Project dated 2/16/2005; Draft 3B of the Grantville Rules Governing Participation dated 3/3/2005; and letter from Atomic Investments, Inc. dated 4/21/2005. Navajo, Tierrasanta, and College Community Areas. District 7.)

CITY MANAGER'S RECOMMENDATION:

Introduce the ordinance in Subitem-A and adopt the resolutions in Subitems-B, C, and D:

Subitem-A: (O-2005-116)

Introduction of an Ordinance approving and adopting the Redevelopment Plan for the Grantville Redevelopment Project.

Subitem-B: (R-2005-1046 Cor. Copy)

Certifying the Final Program Environmental Impact Report and Addendum for the Grantville Redevelopment Project and the implementation activities therefore, making certain findings regarding the Environmental Impacts of the proposed Redevelopment Project, adopting a Mitigation Monitoring and Reporting Program, and adopting a statement of overriding considerations.

Subitem-C: (R-2005-1048)

Adopting written findings in response to each written objection of an affected property owner or taxing entity to the proposed Redevelopment Plan for the Grantville Redevelopment Project.

ADOPTION AGENDA, DISCUSSION, HEARINGS (Continued)

NOTICED HEARINGS: (Continued)

ITEM-334: (Continued)

Subitem-D: (R-2005-1047)

Finding that the use of tax increment funds for low and moderate income housing outside of the Grantville Redevelopment Project area will be of benefit to the Project.

Staff: Tracy Reed – (619) 533-7519
Rachel H. Witt – Deputy City Attorney

NOTE: See the Redevelopment Agency Agenda of May 3, 2005, for a companion item.

NON-DOCKET ITEMS

ADJOURNMENT IN HONOR OF APPROPRIATE PARTIES

ADJOURNMENT